

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1921 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL and

MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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CHANDUBHAI SHANKERBHAI PATEL

Versus

OFFICER ON SPECIAL DUTY (LAND ACQUISITION)

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Appearance:

MR GM AMIN for Petitioner

MR PRADYUMAN B BHATT for Respondent No. 1

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CORAM : MR.JUSTICE J.M.PANCHAL and

MR.JUSTICE R.P.DHOLAKIA

Date of decision: 26/07/1999

ORAL JUDGEMENT

(Per: J.M.Panchal, J.)

By means of filing this petition under Article  
226 of the Constitution, the petitioners have prayed to  
issue appropriate writ or order directing the respondent

to make reference to the concerned district court for determination of appropriate compensation in respect of land bearing survey Nos.836/1 to 836/3 and 836/4 to 836/6 situated in the sim of Village Karamsad, Taluka and District Anand.

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#. The petitioners were owners of land bearing survey Nos.836/1 to 836/3 and 836/4 to 836/6 situated in the sim of Village Karamsad, Taluka and District Anand. The above referred to survey numbers were acquired by the State Government for the public purpose of extension of GIDC Vithal Udyognagar. Interested persons were served with notices under sec.9 of the Land Acquisition Act, 1894 for determination of compensation and having regard to the materials placed before him the Land Acquisition Officer made award on September 20, 1986 and offered compensation at the rate of Rs.24,000/- per hectare. The present petitioners were of the view that the offer of compensation made by the Land Acquisition Officer was inadequate. According to them, they had filed application in the year 1986 requiring the Officer on Special Duty (Land Acquisition), GIDC, Ahmedabad to refer the matter to court for determination of appropriate compensation. The application purported to have been made by the petitioners is produced by them at Annexure-A to the petition. According to the petitioners, the respondent issued notice to the advocate engaged by the petitioners for completing certain formalities and the advocate had also addressed a letter dated January 16, 1987 to the respondent and completed formalities. The grievance made by the petitioners in the present petition is that though all the formalities have been completed, the respondent has not decided to refer the matter to court for the purpose of determination of appropriate compensation. Therefore, the petitioners have filed present petition claiming relief to which reference is made earlier.

#. On notice being served, Mr.S.M.Saiyed, Officer on Special duty (Land Acquisition), Unit No.1, Gujarat Industrial Development Corporation, Ahmedabad has filed affidavit-in-reply controverting the statements made in the petition. In the reply, what is stressed is that the application Annexure-A was not addressed to the appropriate authority and, therefore, the petition should be dismissed.

#. From the record of the petition, it becomes evident that application was made by the petitioners requiring the respondent to refer the matter to the court

for determination of compensation. But the said application was addressed to one Mr. Parmar who was then discharging duties as Assistant in the office of Officer on Special Duty, Ahmedabad. However, the fact remains that after learning that an application was filed by the petitioners requiring him to refer the matter to the court for determination of compensation, the respondent has not taken any action nor decided the said application. Under the circumstances, we are of the opinion that necessary direction deserves to be issued to the respondent to consider the application produced by the petitioners at Annexure-A to the petition in accordance with law.

#. For the foregoing reasons, the petition partly succeeds. Respondent is hereby directed to consider application produced by the petitioners at Annexure-A to the petition and decide the same in accordance with law after affording opportunity of being heard to the petitioners. The decision shall be rendered by the respondent as early as possible and preferably within four months from today. The office is directed to send copy of this order to respondent immediately. It shall also be open to the petitioners to produce copy of this order before the respondent for necessary compliance. Rule is made absolute accordingly with no orders as to costs.

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